



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**JAN - 6 2014**

Dr. Sally Doyen, Superintendent of Schools  
Portland Board of Education Office  
33 East Main Street  
Portland, Connecticut 06480

Re: PCB Cleanup and Disposal Approval under 40 CFR § 761.61(a) and § 761.79(h)  
Brownstone Intermediate School, Portland, Connecticut

Dear Dr. Doyen:

This is in response to the Notification<sup>1</sup> by Portland Public Schools (PPS) for approval of a proposed PCB cleanup plan at the former Brownstone Intermediate School located at 314 Main Street in Portland, Connecticut (the Site). The Site contains PCB-contaminated materials that exceed the allowable PCB levels under 40 CFR § 761.20(a), § 761.61, and § 761.62. Specifically, PCBs have been found in window caulk and glazing, and in building substrates located on the north elevation of the 1954 section of the Site.

PPS has requested an approval under 40 CFR Part 761 to clean up and dispose of the identified PCB-contaminated wastes during replacement of the windows. Specifically, PPS is proposing the following PCB cleanup standards and activities under this project:

- Remove window frame and sill caulk, from the north elevation of the 1954 section, along with the associated window systems including glazing, wooden trim and sills, and adjacent *porous surfaces* (i.e., first course (minimum of 4 inches) of brick/ mortar) and dispose of as a *PCB bulk product waste*
- Conduct verification sampling in accordance with Subpart O to confirm that the PCB cleanup standard of less than or equal to ( $\leq$ ) 1 ppm for *porous surfaces* has been met

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<sup>1</sup> The notification was prepared by Eagle Environmental, Inc on behalf of Portland Public Schools to satisfy the requirements under 40 CFR § 761.61(a) and § 761.79(h). Information was submitted dated June 28, 2013 (Self-Implementing On-Site Cleanup and Disposal Plan (SIP); September 27, 2013 (Response to EPA comments and Revised SIP); and November 26, 2013 (email response to lintel question). These submittals together shall be referred to as the "Notification".

PPS has determined that certain caulks and glazing from the 1967 section (i.e., interior/exterior window glazing and frame and sill caulks) associated with the window removal project, which have PCB concentrations at less than ( $<$ ) 50 ppm, are *Excluded PCB Products*. Under the PCB regulations, *Excluded PCB Products* are authorized for use and thus there is no requirement to remove these building materials or to decontaminate surfaces that are in contact with these building materials. While these building materials are not addressed in the Approval, PPS is proposing to remove the PCB products containing PCBs with greater than ( $>$ ) 1 ppm but  $<$  50 ppm and to manage these products in accordance with the Connecticut Department of Energy and Environmental Protection (CTDEEP) regulations.

This Approval only addresses cleanup and disposal of the *PCB wastes* (i.e., 1954 north elevation window systems, caulk, and adjacent building substrates) identified in the Notification. In the event that PPS identifies other PCB-contaminated wastes subject to cleanup and disposal under the PCB regulations, PPS will be required to notify EPA and cleanup the PCB-contaminated wastes in accordance with 40 CFR Part 761 (see Attachment 1, Condition 1).

The Notification meets the requirements and standards established under §§ 761.61(a), 761.62, and 761.79 for cleanup and disposal of *PCB remediation waste* and *PCB bulk product waste*.

PPS may proceed with its cleanup in accordance with 40 CFR § 761.61(a); § 761.62; § 761.79(h); its Notification; and this Approval, subject to the conditions of Attachment 1.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in black ink, appearing to read "James T. Owens III", with a stylized flourish at the end.

James T. Owens III, Director  
Office of Site Remediation & Restoration

cc Gary Trombly, CTDEEP  
John Terrill, Eagle Environmental  
File

Attachment 1



**ATTACHMENT 1:**

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS  
BROWNSTONE INTERMEDIATE SCHOOL (the Site)  
314 MAIN STREET  
PORTLAND, CONNECTICUT**

**GENERAL CONDITIONS**

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Site and identified in the Notification. Specifically, this Approval applies to PCB-contaminated materials located on the northern elevation 1954 section windows of the Site.
  - a. In the event that Portland Public Schools (PPS) identifies other PCB-contaminated wastes subject to cleanup and disposal under the PCB regulations, PPS will be required to notify EPA and clean up the PCB-contaminated wastes in accordance with 40 CFR Part 761.
  - b. PPS may submit a separate plan to address the PCB contamination or may modify the Notification to incorporate cleanup of the PCBs under this Approval in accordance with Condition 17.
2. PPS shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. PPS must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, PPS shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.

6. PPS is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time PPS has or receives information indicating that PPS or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by PPS are authorized to conduct the activities set forth in the Notification. PPS is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release PPS from compliance with any applicable requirements of federal, state or local law; or 3) release PPS from liability for, or otherwise resolve any violations of federal, state or local law.
9. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D.

#### **NOTIFICATION AND CERTIFICATION CONDITIONS**

10. This Approval may be revoked if the EPA does not receive written notification from PPS of its acceptance of the conditions of this Approval within 10 business days of receipt.
11. PPS shall notify EPA in writing of the scheduled date of commencement of on-site activities at least 1 business day prior to conducting any work under this Approval.
12. Prior to initiation of work authorized under this Approval, PPS shall submit the following information for EPA review and/or approval:
  - a. a certification signed by its selected abatement/demolition contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
  - b. a contractor work plan, prepared and submitted by the selected demolition or abatement contractor(s) describing the containment and air monitoring that will be employed during abatement activities. This work plan should also include information on how and where wastes will be stored and disposed of, and on how field equipment will be decontaminated; and,



- c. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval.

### **CLEANUP AND DISPOSAL CONDITIONS**

- 13. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.
- 14. PCB-contaminated materials associated with the window replacement project shall be decontaminated and verification sampling and analysis shall be conducted as described below:
  - a. All visible residues PCB caulk and glazing and associated *non-porous surfaces* (e.g., glass panes, window frames) and *porous surfaces* (i.e., wooden trim and sills and first course (4 inches) of brick/mortar) with greater than ( $>$ ) 1 ppm shall be removed and disposed of as a *PCB bulk product waste* in accordance with 40 CFR § 761.62 and as described in the Notification.
  - b. The decontamination standard for building *porous surfaces* (i.e., brick/mortar) shall be less than or equal to ( $\leq$ ) 1 ppm.
    - i) Sampling for *porous surfaces* shall be performed on a bulk basis (i.e., mg/kg) and reported on a dry weight analysis. Sampling for *porous surfaces* shall be conducted in accordance with the EPA Region 1 *Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, May 5, 2011*, at a maximum depth interval of 0.5 inches. Verification samples shall be collected in accordance with 40 CFR 761 Subpart O.
    - ii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 and chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another method(s) is validated according to Subpart Q.

15. PCB waste (at any concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with 40 CFR § 761.40; stored in a manner consistent with 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below.
  - a. Non-liquid cleaning materials, PPE and similar materials resulting from decontamination may be disposed of in accordance with 40 CFR § 761.79(g)(6).
  - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
  - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

#### **INSPECTION, MODIFICATION AND REVOCATION CONDITIONS**

16. PPS shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by PPS to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
17. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
18. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

#### **RECORDKEEPING AND REPORTING CONDITIONS**

19. PPS shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the cleanup and disposal and the analytical sampling shall be established and maintained by PPS in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.

20. PPS shall submit a final report in both hard copy and electronic version, to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities with photo-documentation; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of; copies of manifests and bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer.

21. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100 – (OSRR07-2)  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527

22. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

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**END OF ATTACHMENT 1**